



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,781	08/04/2003	John Kamieniecki	D3083	6915

27774 7590 03/09/2007
MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD, NJ 07090

EXAMINER

KOSTAK, VICTOR R

ART UNIT	PAPER NUMBER
----------	--------------

2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/633,781	Applicant(s) KAMIENIECKI, JOHN	
	Examiner Victor R. Kostak	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-9,16-19,21-23,32 and 33 is/are rejected.
- 7) ☒ Claim(s) 5,10-15,20,24-31,34 and 35 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 2622

1. Applicant is advised that should claim 22 be found allowable, claim 33 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

These two claims are identical and both depend from claim 21. (Applicant may have intended claim 33 to depend from a different claim.)

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Or

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6, 21-23 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi.

The television system of Kobayashi (noting Fig. 2) includes a tuner 12 for receiving a digital broadcast signal (e.g. col. 1 lines 8-10) and respective downstream audio and video decoders 15 and 14. Inherent user interfacing by way of microprocessor 1 is not shown. The video signal is formatted in a predefined format from a provider (not shown), to which it is compared with plural formats available at the receiver (display source memories 17A – 17D),

Art Unit: 2622

wherein a correspondence of the received format to the stored formats is made (e.g. col. 9 lines 14-45), and on-screen guide data is presented (Figs. 13, 14) made possible by stage 19, to inform the user of the format and other parameters. Upon identifying a correspondence, the processing of the received video format is accordingly carried out for eventual display, and when received format does not correspond to any one of receiver display formats of memories 17A-17D, a processed output video signal is nonetheless transferred for decoding in a format most similar to one of the stored formats (col. 14-26), thereby meeting claims 1 and 21.

As for claims 2, 22 and 33, the formats available by the receiver include (at least) 1080 lines, 720 lines and 480 lines (e.g. col. 8 lines 24-35), and Kobayashi initially points out that both interlaced and progressive formats are available (col. 2 lines 62-64).

As for claims 3 and 23, Kobayashi points out that if the incoming video format does not correspond to one of the four stored receiver formats, then (1) additional formats can be stored or (2) an optimum (i.e. next best to the exact) format is selected (col. 10 lines 2 lines 21).

As for claim 4, the receiver accommodates ground wave digital and satellite signal providers, which reception inherently involves set-top receivers.

Regarding claim 6, the video receiver of Fig. 2 is a digital television receiver that includes a display device (not shown).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi.

As noted above, Kobayashi does not describe the inherent user interface, such being an implicit acknowledgement that any of known kinds would have been obvious to include. The examiner takes Official notice that any well known interface device, such as a remote controller that includes a keyboard would have been obvious to use for the clear purpose of providing the user with various and convenient A/V control functions upon selecting the particular keys.

4. Claims 7-9, 11, 16 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Matey.

The digital television receiver of Matey (section [0001], hardware not shown), determines available formats supported by the display device (screen shown: Figs. 1-3), and an on-screen message is displayed in accordance with a first video format. That format is stored (defaulted) in the receiver, upon the user responding within a predetermined time period (section [0013]). Another on-screen message is displayed that corresponds to any other received format after the expiration of the time period as well as in response to the user selecting a signal that can have a different format.

As for claim 8, the steps are repeated for subsequently received video signals (the system operating to accommodate the incoming video signals).

As for claim 9, the operation involves a set-up mode for the user to select the desired format (noting Figs. 1-3).

Regarding claim 11, the receiver is a digital television receiver (noting section [0001] again).

Art Unit: 2622

Since Matey stores the default format even during a powered down condition, then the storage must be non-volatile (section [0013]), thereby meeting claim 16.

As for claim 19, the operation is done at the receiving terminal, which would be a set-top terminal since cable or satellite media can be used (section [0005]).

5. Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matey.

Matey mentions a remote handset as an interface device (section [0010]). The examiner takes Official notice that typical handset normally includes a keyboard, and therefore would have been obvious to use for the clear purpose of providing the user with various and convenient A/V control functions upon selecting the particular keys.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matey in view of Kobayashi.

Matey mentions the availability of different digital formats including 16:9 and 4:3 aspect ratio formats of the received digital A/V signal (e.g. section [0002]), but does not mention specific line counts and/or interlaced/progressive modes.

It would have been obvious to one of ordinary skill in the art to provide any suitable known wide or standard aspect ration video signal as taught by Kobayashi, to provide the user with as many viewing options, such being a typical consideration of the A/V service provider, which thereby accommodates different tastes to the range of users.

Art Unit: 2622

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Claims 5, 10-15, 20, 24-31, 34 and 35 appear allowable over the prior art.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348.

The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450

Application/Control Number: 10/633,781

Page 7

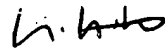
Art Unit: 2622

Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.



Victor R. Kostak
Primary Examiner
Art Unit 2622

VRK